

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CR-13-06-RAW</b>
	)	
<b>ERNEST DRY, III, and</b>	)	
<b>RALPH GENE CARLOSS,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

Before the court are the objections of the defendants to the Report and Recommendation of the United States Magistrate Judge, which recommended that the motion to suppress of defendant Dry (adopted by defendant Carloss, #37) be denied. The court has reviewed the record, including a transcript of the evidentiary hearing.

The court finds the recommendation of the Magistrate Judge should be adopted. A “knock and talk” is a consensual encounter and therefore does not contravene the Fourth Amendment, even absent reasonable suspicion. *United States v. Shuck*, 2013 WL 1490758 (10<sup>th</sup> Cir.2013). If the presence of “no trespassing” signs (whatever their purpose) applied as defendants argue, this principle would be rendered nugatory. The defendants’ citation of *Florida v. Jardines*, \_\_\_\_ S.Ct. \_\_\_\_, 2013 WL 1196577 (2013)(using a drug-sniffing dog on a homeowner’s front porch was a search within the meaning of the Fourth Amendment) is inapposite. Likewise, *United States v. Jones*, 132 S.Ct. 945 (2012)(attachment of a GPS

tracking device to monitor movement of a suspect's car is a Fourth Amendment search) does not compel a different result.

It is the order of the court that the motion of the defendant Dry to suppress (#28) is hereby denied. The Report and Recommendation of the Magistrate Judge is adopted and affirmed.

**ORDERED THIS 23rd DAY OF APRIL, 2013.**

**Dated this 23<sup>rd</sup> day of April, 2013.**

A handwritten signature in cursive script, reading "Ronald A. White", written in black ink over a horizontal line.

Ronald A. White  
United States District Judge  
Eastern District of Oklahoma